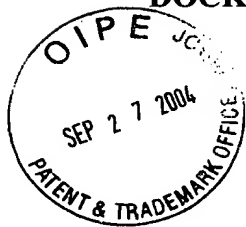


09-28-04

RCE/ATW
1631
\$

DOCKET NO.: TIBO-0016

PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Kurt Hertogs, Brendan Larder, and Rudi Pauwels Confirmation No.: 8312

Application No.: 09/580,491

Group Art Unit: 1631

Filing Date: May 30, 2000

Examiner: Michael L. Borin

For: MUTATIONAL PROFILES IN HIV-1 PROTEASE AND REVERSE
TRANSCRIPTASE CORRELATED WITH PHENOTYPIC DRUG
RESISTANCE

EXPRESS MAIL LABEL NO: EL997979185US
DATE OF DEPOSIT: September 27, 2004

EL997979185US

☒ Mail Stop AF ☐ Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL PURSUANT
TO 37 CFR § 1.114

(Note - RCE practice is not available to United States applications with a filing date prior to June 8, 1995 or United States National Phase Applications where entry into the national phase is from an International Application filed prior to June 8, 1995. However, if a Continued Prosecution Application was filed after June 8, 1995 in one of the above-identified applications, RCE practice would then be permitted on that application)

This is a Request for Continued Examination (RCE) under 37 CFR § 1.114 of the above-identified application.

1. Submission required under 37 CFR § 1.114

☐ Previously submitted

☐ Consider the amendment(s)/reply under 37 CFR § 1.116 previously filed on . (Any unentered amendment(s) referred to above will be entered).

09/29/2004 WABDELRL1 00000004 233050 09580491

01 FC:1801 770.00 DA
02 FC:1255 2010.00 DA

- ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on
- ☐ Other:
- ☒ Enclosed
- ☒ Amendment/Reply under 37 CFR § 1.116
- ☐ Affidavit(s)/Declaration(s)
- ☐ Information Disclosure Statement (IDS)
- ☒ Other: Exhibit A: "Line Probe Assay For Rapid Detection Of Drug-Selected Mutations In The Human Immunodeficiency Virus Type 1 Reverse Transcriptase Gene," Stuyver L. *et al.*, 1997, Antimicrob Agents Chemother. 41:284-91; Exhibit B: "Guidance for Industry Premarket Notifications [510(k)s] for In Vitro HIV Drug Resistance Genotype Assays: Special Controls by the FDA; and Exhibit C: Stanford as the HIV Drug Resistance Database

2. Miscellaneous

- ☐ Suspension of action on the above-identified application is requested under 37 CFR §1.103(c) for a period of _____ months. (Period of suspension shall not exceed three (3) months; Fee under 37 CFR §1.17(i) required)

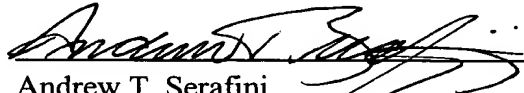
FEE CALCULATION:

				SMALL ENTITY		NOT SMALL ENTITY	
<input checked="" type="checkbox"/> RCE BASIC FILING FEE				\$385.00	\$	\$770.00	\$770.00
	CLAIMS REMAINING AFTER RCE	HIGHEST NO. PAID FOR	EXTRA				
TOTAL CLAIMS	1	30	0	\$9 EACH	\$	\$18 EACH	\$0
INDEP. CLAIMS	1	8	0	\$43 EACH	\$	\$86 EACH	\$0
FIRST PRESENTATION OF MULTIPLE DEPENDENT				\$145	\$	\$290	\$0
<input type="checkbox"/> ONE MONTH EXTENSION OF TIME				\$55	\$	\$110	\$0
<input type="checkbox"/> TWO MONTH EXTENSION OF TIME				\$210	\$	\$420	\$0
<input type="checkbox"/> THREE MONTH EXTENSION OF TIME				\$475	\$	\$950	\$0
<input type="checkbox"/> FOUR MONTH EXTENSION OF TIME				\$740	\$	\$1480	\$0
<input checked="" type="checkbox"/> FIVE MONTH EXTENSION OF TIME (May only be taken when filing RCE in lieu of Appeal Brief)				\$1005	\$	\$2010	\$2010.00
<input type="checkbox"/> LESS ANY EXTENSION FEE ALREADY PAID				minus	(\$)	minus	(\$0)
<input type="checkbox"/> TERMINAL DISCLAIMER				\$55	\$	\$110	\$
TOTAL FEE DUE					\$		\$2,780.00

- ☐ A check in the amount of \$ _____.00 is attached. Please charge any deficiency or credit any overpayment to Deposit Account No. 23-3050.
- ☒ Please charge Deposit Account No. 23-3050 in the amount of \$2780.00. This sheet is attached in duplicate.
- ☐ A response to the _____ dated _____ was due on _____. Petition is hereby made under 37 CFR § 1.136(a) to extend the time period for response from _____ to and through _____ comprising an extension of the shortened statutory period of _____ month(s).
- ☒ A Notice of Appeal was filed February 26, 2004. An Appeal Brief is due on September 26, 2004. Applicants are filing this Request for Continued Examination in lieu of this Appeal Brief. Petition is hereby made to extend the time period from April 26, 2004 to and through September 27, 2004 comprising a total extension of five (5) month(s).
- ☒ The Commissioner is hereby requested to grant an extension of time for the appropriate length of time, should one be necessary, in connection with this filing or any future filing submitted to the U.S. Patent and Trademark Office in the above-identified application during the pendency of this application. The Commissioner is further authorized to charge any fees related to any such extension of time to Deposit Account No. 23-3050. This sheet is provided in duplicate.
- ☒ The Commission is hereby authorized to charge payment of the above fees associated with this communication or credit any overpayment to Deposit Account No. 23-3050. This sheet is attached in duplicate.

SHOULD ANY DEFICIENCIES APPEAR with respect to this application, including deficiencies in payment of fees, missing parts of the application or otherwise, the United States Patent and Trademark Office is respectfully requested to promptly notify the undersigned.

Date: September 27, 2004


Andrew T. Serafini
Registration No. 41,303

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